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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PUGET SOUNDKEEPER
11 ALLIANCE,

12 Plaintiff,

13 v.

14 RAINIER PETROLEUM CORP.,

15 Defendant.

CASE NO. C14-0829JLR

ORDER IMPOSING SANCTIONS
ON ATTORNEY ELIZABETH K.
MORRISON, WSBA # 43024
AND NOT REMOVING HER
FROM ROSTER OF
ATTORNEYS AUTHORIZED TO
PRACTICE IN THE WESTERN
DISTRICT OF WASHINGTON

On December 13, 2017, at the evidentiary hearing in this matter, the court
sanctioned Elizabeth Morrison, counsel for Defendant Rainier Petroleum Corp., in the
amount of \$500.00. (*See* 12/13/17 Min. Entry (Dkt. # 123).) The court found that Ms.
Morrison recklessly or intentionally violated the Western District of Washington Local
Civil Rules. Specifically, Ms. Morrison violated Local Civil Rule 7(e)(4) by filing an
over-length brief and Local Civil Rule 7(g) by including improper topics in a surreply. In
addition, Ms. Morrison disregarded the court's December 8, 2017, deadline to file a

1 witness and exhibit list, filing instead a similar document on December 11, 2017. (See
2 Def. Witness List (Dkt. # 121); *see also* Min. Order (Dkt. # 119) at 2.) Finally, on
3 December 12, 2017, Ms. Morrison filed objections to Plaintiff Puget Soundkeeper
4 Alliance’s (“Soundkeeper”) witness and exhibit list, accusing Soundkeeper’s counsel of
5 “the very definition of ambush litigation tactics” for listing witnesses who had not
6 provided supporting declarations. (Objs. (Dkt. # 122) at 1-2.) For these reasons, the
7 court ordered Ms. Morrison to show cause why she should not be removed from the
8 roster of attorneys authorized to practice in the Western District of Washington.
9 (12/13/17 Min. Entry.)

10 Courts have inherent authority to “manage their own affairs so as to achieve the
11 orderly and expeditious disposition of cases.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43
12 (1991) (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962)). This inherent
13 authority includes the ability “to impose sanctions for bad faith, which includes a broad
14 range of willful improper conduct.” *Fink v. Gomez*, 239 F.3d 989, 992 (9th Cir. 2001).
15 Courts can also impose sanctions when a party willfully disobeys a court order. *See, e.g.,*
16 *Aloe Vera of Am., Inc. v. United States*, 376 F.3d 960, 964-65 (9th Cir. 2004) (citing
17 *Fink*, 239 F.3d at 991).

18 The court appreciates an occasional extraneous circumstance, but Ms. Morrison’s
19 conduct is overwhelming. Ms. Morrison’s response to the order to show cause is also
20 disappointing. First, Ms. Morrison plagiarized a large portion of *Knickerbocker v.*
21 *Corinthian Colleges*, 298 F.R.D. 670 (W.D. Wash. 2014), without any attribution. (See
22 Show Cause Br. (Dkt. # 124) at 1-2); *see also Knickerbocker*, 298 F.R.D. at 677. Second,

1 Ms. Morrison appears to maintain that her surreply, which addressed her over-length
2 response and responded to Soundkeeper's arguments, was proper. Thus, she continues to
3 misunderstand the purpose of a surreply even after the court (and the Local Rules)
4 explained it to her. (*See* Show Cause Br. at 4); Local Rules W.D. Wash. LCR 7(g) (a
5 surreply is "strictly limited to addressing" "requests to strike material contained in or
6 attached to a reply brief"). Likewise, Ms. Morrison's explanation for her late witness and
7 exhibit list—concluding that she did not need to file a list because she planned to only
8 cross-examine witnesses and rely on exhibits already in the record (Show Cause Br. at 4-
9 5)—is undermined by her having to ask the court for leave to call witnesses at the hearing
10 (*see* 12/13/17 Min. Entry). Finally, the court does not appreciate Ms. Morrison's
11 representation that her accusing Soundkeeper's counsel of "the very definition of ambush
12 litigation tactics" was simply a "passing reference." (*See* Show Cause Br. at 5-6.) The
13 court finds that Ms. Morrison's repeated violations and misconduct constitute bad faith.

14 The court, therefore, DIRECTS Ms. Morrison to deposit \$500.00 into the general
15 registry of the court within five (5) days of the date of this order. The court also
16 ORDERS Ms. Morrison to complete five (5) CLE hours relating to the topic of this
17 court's Local Rules within 90 days of the date of this order. The court will not remove
18 Ms. Morrison from the roster of attorneys authorized to practice in the Western District
19 of Washington.

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1 These sanctions are an admonition, which Ms. Morrison is not required to report
2 on future *pro hac vice* applications.

Dated this 19th day of December.


JAMES L. ROBART
United States District Judge